

# EXHIBIT A



# Your Missouri Courts


Search for Cases by: 
[Judicial Links](#) | [eFiling](#) | [Help](#) | [Contact Us](#) | [Print](#)
[GrantedPublicAccess](#) [Logoff P\\_SSW0RD50](#)
**2216-CV24575 - JAN OATES V EMPOWER RETIREMENT, LLC (E-CASE)**

<a href="#">Case File Viewer</a>	<a href="#">Parties &amp; Attorneys</a>	<a href="#">Docket Entries</a>	<a href="#">Charges, Judgments &amp; Sentences</a>	<a href="#">Service Information</a>	<a href="#">Filings Due</a>	<a href="#">Scheduled Hearings &amp; Trials</a>	<a href="#">Civil Judgments</a>	<a href="#">Garnishments/Execution</a>
----------------------------------	---	--------------------------------	--	-------------------------------------	-----------------------------	---	---------------------------------	--

[Click here to eFile on Case](#)

Sort Date Entries: ☐ Descending

Display Options:

[Click here to Respond to Selected Documents](#)
☒ Ascending

**10/19/2022** ☐ [Pet Filed in Circuit Ct](#)  
 Petition for Damages; Exhibit 1 - Charge of Discrimination; Exhibit 2 - Notice of Right to Sue.  
**Filed By:** MARC NELSON MIDDLETON  
**On Behalf Of:** JAN OATES

☐ [Filing Info Sheet eFiling](#)  
**Filed By:** MARC NELSON MIDDLETON

☐ [Judge Assigned](#)

☐ [Designation of Lead Attorney](#)  
 Designation of Lead Attorney.  
**Filed By:** MARC NELSON MIDDLETON  
**On Behalf Of:** JAN OATES

☐ [Motion Special Process Server](#)  
 Motion and Order for Private Process Server.  
**Filed By:** MARC NELSON MIDDLETON  
**On Behalf Of:** JAN OATES

**10/27/2022** ☐ [Case Mgmt Conf Scheduled](#)  
**Scheduled For:** 02/09/2023; 1:30 PM ; JERRI J ZHANG; Jackson - Kansas City

☐ [Order - Special Process Server](#)

☐ [Summons Issued-Circuit](#)  
 Document ID: 22-SMCC-9748, for EMPOWER RETIREMENT, LLC.

**12/22/2022** ☐ [Entry of Appearance Filed](#)  
 Entry of Appearance; Electronic Filing Certificate of Service.  
**Filed By:** MEGAN ELIZABETH LOWE STILES  
**On Behalf Of:** JAN OATES

☐ [Alias Summons Requested](#)  
 ALIAS SUMMONS REQUEST; Electronic Filing Certificate of Service.  
**Filed By:** MEGAN ELIZABETH LOWE STILES  
**On Behalf Of:** JAN OATES

**12/28/2022** ☐ [Designation of Lead Attorney](#)  
 Entry of Appearance and Designation of Lead Attorney; Electronic Filing Certificate of Service.  
**Filed By:** MARC NELSON MIDDLETON  
**On Behalf Of:** JAN OATES

**01/06/2023** ☐ [Summons Issued-Circuit](#)

Document ID: 23-SMCC-181, for EMPOWER RETIREMENT, LLC.

**01/23/2023** ☐ [Order Amended](#)

Amended Order for Case Management Conference on February 9, 2023 at 1:30 PM via telephone. Please call the toll-free number 1-877-873-8017 and enter the access code 9926835.

**01/26/2023** ☐ [Notice of Service](#)

Affidavit of Service; Electronic Filing Certificate of Service.

**Filed By:** MEGAN ELIZABETH LOWE STILES

**On Behalf Of:** JAN OATES

☐ **Corporation Served**

Document ID - 23-SMCC-181; Served To - EMPOWER RETIREMENT, LLC; Server - ; Served Date - 12-JAN-23; Served Time - 09:30:00; Service Type - Special Process Server; Reason Description - Served; Service Text - JOANNA CHAPMAN INTAKE SPECIALIST

## IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

**JAN OATES**

c/o Cornerstone Law Firm

5821 NW 72<sup>nd</sup> Street

Kansas City, MO 64151

Plaintiff,

v.

**EMPOWER RETIREMENT, LLC**

Serve at:

120 South Central Avenue

Clayton, MO 63105

Defendant.

Case No.: \_\_\_\_\_

Division: \_\_\_\_\_

**REQUEST FOR JURY TRIAL****PETITION FOR DAMAGES**  
**(CASE TYPE: TJ)**

COMES NOW Plaintiff Jan Oates, by and through her attorney, and for her cause of action against Defendant Empower Retirement, LLC alleges as follows:

**Parties and Jurisdiction**

1. This is an employment case arising under the Missouri Human Rights Act, MO. REV. STAT. § 213.010 *et seq.* ("MHRA") and 42 U.S.C. § 1981.
2. Plaintiff is a sixty-two-year-old female citizen of the United States, currently residing in Kansas City, Jackson County, Missouri.
3. Plaintiff is African American.
4. Defendant Empower Retirement, LLC ("Defendant") is a Colorado limited liability company that conducts substantial and continuous business in the state of Missouri.
5. Defendant maintains and operates a place of business at 11500 Outlook Street, Overland Park, Kansas 66211.
6. Defendant employs six or more people in the state of Missouri.

7. Defendant is an “employer” within the meaning of the MHRA.
8. Defendant conducts substantial and continuous business in the state of Missouri.
9. The unlawful conduct described herein occurred and/or was felt at Plaintiff’s place of residence in Kansas City, Jackson County, Missouri.
10. This court has jurisdiction over the parties and subject matter of this action.
11. Venue is proper in Jackson County, Missouri, pursuant to MO. REV. STAT. §§ 508.010 and 213.111 because a substantial portion of the alleged discriminatory conduct occurred in Jackson County, Missouri.

### **Administrative Procedures**

12. On or about December 17, 2021, Plaintiff timely filed with the Missouri Commission on Human Rights (“MCHR”) and the Equal Employment Opportunity Commission (“EEOC”) a Charge of Discrimination against Defendant alleging discrimination based on age, race, national origin, and retaliation (attached as Exhibit 1 and incorporated herein by reference).
13. On July 21, 2022, the MCHR issued to Plaintiff a Notice of Right to Sue (attached as Exhibit 2 and incorporated herein by reference).
14. The aforesaid Charge of Discrimination provided the MCHR and the EEOC sufficient opportunity to investigate the full scope of the controversy between the parties and, accordingly, the sweep of this judicial complaint may be as broad as the scope of a MCHR or EEOC investigation, which could reasonably be expected to have grown out of the Charge of Discrimination.
15. This lawsuit is filed within ninety days of the issuance of the MCHR’s Notice of Right to Sue.

16. Plaintiff has satisfied all private, administrative, and judicial prerequisites to the institution of this action.

17. This action is filed within the applicable statutes of limitations.

**Additional Factual Allegations**

18. Plaintiff re-alleges and incorporates herein by reference, as though fully set forth herein, all of the above numbered paragraphs.

19. Plaintiff began working for Defendant in approximately 2007.

20. The last eight (8) years of her employment, Plaintiff worked as a Senior Account Representative.

21. Since approximately the last week of March 2020, Plaintiff performed her role remotely from her home.

22. Plaintiff continued to work from home up until her termination.

23. In approximately July 2020, during a conversation with her manager, Brandi Zien (“Manager Zien”), Plaintiff questioned why there were no African Americans in management.

24. Manager Zien reported the conversation to upper management, Director Angelo Leonardis (“Director Leonardis”).

25. Shortly thereafter, Director Leonardis sent Plaintiff an email requesting a meeting.

26. Prior to this date, Plaintiff had never met with Director Leonardis.

27. During the conversation with Director Leonardis, Director Leonardis assured Plaintiff that Defendant was taking Plaintiff’s complaint seriously, that he understood there was nobody who looked like Plaintiff in management, and that they were going to correct it.

28. Plaintiff then received a call from HR Representative Tomacita [Last Name Unknown] (“HR Tomacita”) asking if Plaintiff wanted to file a complaint relating to the lack of diversity in management.
29. Plaintiff explained to HR Tomacita that she did believe the lack of diversity to be a problem and that each time Plaintiff applied for a promotion, someone with less seniority and experience was promoted over her. Plaintiff complained to HR Tomacita that this was improper.
30. Plaintiff further explained to HR Tomacita that she had been passed over for promotions four (4) or five (5) times while younger, Caucasian individuals were getting the opportunities.
31. Shortly after raising these concerns, Defendant started treating Plaintiff differently.
32. For example, Manager Zien told Plaintiff that she sounded mad or defensive when she talked.
33. Manager Zien told Plaintiff that she should not be so direct and should soften her voice to sound more fluffy.
34. Manager Zien next began critiquing Plaintiff’s performance more harshly than before.
35. Manager Zien started claiming that Plaintiff was making performance errors.
36. Manager Zien began criticizing Plaintiff for working overtime.
37. Manager Zien implied that Plaintiff was stealing time from the company while working overtime, despite Plaintiff previously working overtime without issue and even though Plaintiff’s similarly situated, Caucasian coworkers were allowed to work overtime.
38. Notably, Defendant’s Vice President, Craig Jeffries (“VP Jeffries”), said that he did not care if people needed to work overtime so long as the work got done.

39. In December 2020, Plaintiff needed to take off work from December 17, 2020, through January 3, 2021, for health reasons.
40. When Plaintiff told Manager Zien about the doctor's order, Manager Zien said "well you gotta do what you gotta do."
41. On or about January 4, 2021, the day Plaintiff returned to work, Manager Zien gave Plaintiff a verbal warning for an alleged error she made prior to beginning leave.
42. Plaintiff requested documentation so she could see the alleged error, but Manager Zien said there was no proof of the error because it had already been fixed.
43. Manager Zien then told Plaintiff that she made six (6) errors the previous year. Manager Zien noted this was uncharacteristic of Plaintiff.
44. In approximately February 2021, Plaintiff received another verbal warning from Manager Zien for an alleged performance error.
45. In approximately June 2021, Plaintiff received a written warning from Manager Zien for another alleged performance error.
46. Plaintiff met with Manager Zien and Manager Jessica Sides ("Manager Sides") to discuss the write-up. Manager Sides explained that they wanted "the old Jan back". Plaintiff responded that she was trying to do everything they (management) asked of her, but "when I go left, you tell me to go right; when I go right, you tell me to go left".
47. On or about July 22, 2021, Manager Zien called Plaintiff and told her that Plaintiff no longer fit on the team.
48. Manager Zien explained that Plaintiff was not working to capacity so Defendant was going to let Plaintiff go.



**COUNT I**  
**Violation under MO. REV. STAT. §§ 213.010 *et seq.***  
**Age Discrimination (Termination)**

49. Plaintiff re-alleges and incorporates herein by reference, as though fully set forth herein, all of the above numbered paragraphs.
50. Plaintiff is over the age of forty and therefore a member of a protected class.
51. Plaintiff's age was at least a motivating factor in her termination.
52. At all times mentioned herein, before and after, the above described perpetrators were agents, servants, and employees of Defendant, and were at all such times acting within the scope and course of their agency and employment, and/or their actions were expressly authorized or ratified by Defendant, thus making Defendant liable for said actions under the doctrine of *respondeat superior*.
53. Defendant failed to make good faith efforts to establish and enforce policies to prevent illegal discrimination against its employees.
54. Defendant failed to properly train or otherwise inform their supervisors and employees concerning their duties and obligations under the civil rights laws, including the MHRA.
55. As shown by the foregoing, as a result of her age, Plaintiff suffered intentional discrimination by Defendant in violation of the MHRA.
56. As a direct and proximate result of Defendant's actions and/or omissions, Plaintiff has been deprived of income, as well as other monetary and non-monetary benefits.
57. As a further direct and proximate result of Defendant's actions and/or omissions, Plaintiff has suffered a loss of self-esteem, humiliation, mental anguish, and pain, in the form of garden variety emotional distress and related compensatory damages.

58. Defendant's conduct was willful, wanton, malicious, and showed complete indifference to or conscious disregard for the rights of others, including the rights of Plaintiff.

59. Plaintiff expressly reserves her right to make a claim for punitive damages pursuant to the MHRA and MO. REV. STAT. § 510.261.5.

60. Pursuant to the provisions of the MHRA, Plaintiff is entitled to recover reasonable attorneys' fees from Defendant.

WHEREFORE, Plaintiff requests that the Court enter judgment in her favor and against Defendant for economic damages, including but not limited to back-pay and lost benefits; for compensatory damages, including but not limited to garden variety emotional distress; for equitable relief, including but not limited to front-pay and injunctive relief; for reasonable attorneys' fees and costs incurred herein; for pre- and post-judgment interest as allowed by law; and for such other and further legal and equitable relief as the Court deems just and proper.

## **COUNT II**

### **Violation under MO. REV. STAT. §§ 213.010 *et seq.* Age Discrimination (Failure to Promote)**

61. Plaintiff re-alleges and incorporates herein by reference, as though fully set forth herein, all of the above numbered paragraphs.

62. Plaintiff is over the age of forty and therefore a member of a protected class.

63. Plaintiff was qualified for management and supervisory positions for which she applied.

64. Defendant chose not to promote Plaintiff.

65. Instead, Defendant promoted younger, less qualified individuals.

66. Plaintiff's age was at least a motivating factor in Defendant's decisions not to promote her.

67. At all times mentioned herein, before and after, the above-described perpetrators were agents, servants, and employees of Defendant, and were at all such times acting within the

scope and course of their agency and employment, and/or their actions were expressly authorized or ratified by Defendant, thus making Defendant liable for said actions under the doctrine of *respondeat superior*.

68. Defendant failed to make good faith efforts to establish and enforce policies to prevent illegal discrimination against its employees.

69. Defendant failed to properly train or otherwise inform their supervisors and employees concerning their duties and obligations under the civil rights laws, including the MHRA.

70. As shown by the foregoing, as a result of her age, Plaintiff suffered intentional discrimination by Defendant in violation of the MHRA.

71. As a direct and proximate result of Defendant's actions and/or omissions, Plaintiff has been deprived of income, as well as other monetary and non-monetary benefits.

72. As a further direct and proximate result of Defendant's actions and/or omissions, Plaintiff has suffered a loss of self-esteem, humiliation, mental anguish, and pain, in the form of garden variety emotional distress and related compensatory damages.

73. Defendant's conduct was willful, wanton, malicious, and showed complete indifference to or conscious disregard for the rights of others, including the rights of Plaintiff.

74. Plaintiff expressly reserves her right to make a claim for punitive damages pursuant to the MHRA and MO. REV. STAT. § 510.261.5.

75. Pursuant to the provisions of the MHRA, Plaintiff is entitled to recover reasonable attorneys' fees from Defendant.

WHEREFORE, Plaintiff requests that the Court enter judgment in her favor and against Defendant for economic damages, including but not limited to back-pay and lost benefits; for compensatory damages, including but not limited to garden variety emotional distress; for

equitable relief, including but not limited to front-pay and injunctive relief; for reasonable attorneys' fees and costs incurred herein; for pre- and post-judgment interest as allowed by law; and for such other and further legal and equitable relief as the Court deems just and proper.

**COUNT III**  
**Violation under MO. REV. STAT. §§ 213.010 *et seq.***  
**Race Discrimination (Termination)**

76. Plaintiff re-alleges and incorporates herein by reference as though fully set forth herein, all of the above numbered paragraphs.
77. Plaintiff is black and therefore a member of a protected class pursuant to the MHRA.
78. Plaintiff's race was a motivating factor in Defendant's decision to terminate her employment.
79. At all times mentioned herein, before and after, the above described perpetrators were agents, servants, and employees of Defendant, and were at all such times acting within the scope and course of their agency and employment, and/or their actions were expressly authorized or ratified by Defendant, thus making Defendant liable for said actions under the doctrine of *respondeat superior*.
80. Defendant failed to make good faith efforts to establish and enforce policies to prevent illegal discrimination against its employees.
81. Defendant failed to properly train or otherwise inform their supervisors and employees concerning their duties and obligations under the civil rights laws, including the MHRA.
82. As shown by the foregoing, Plaintiff suffered intentional discrimination by Defendant in violation of the MHRA.
83. As a direct and proximate result of Defendant's actions and/or omissions, Plaintiff has been deprived of income as well as other monetary and non-monetary benefits.

84. As a further direct and proximate result of Defendant's actions and/or omissions, Plaintiff has suffered a loss of self-esteem, humiliation, mental anguish, and pain, in the form of garden variety emotional distress and related compensatory damages.

85. Defendant's conduct was willful, wanton, malicious, and showed complete indifference to or conscious disregard for the rights of others, including the rights of Plaintiff.

86. Plaintiff expressly reserves her right to make a claim for punitive damages pursuant to the MHRA and MO. REV. STAT. § 510.261.5.

87. Pursuant to the provisions of the MHRA, Plaintiff is entitled to recover reasonable attorneys' fees from Defendant.

WHEREFORE, Plaintiff requests that the Court enter judgment in her favor and against Defendant for economic damages, including but not limited to back-pay and lost benefits; for compensatory damages, including but not limited to garden variety emotional distress; for equitable relief, including but not limited to front-pay and injunctive relief; for reasonable attorneys' fees and costs incurred herein; for pre- and post-judgment interest as allowed by law; and for such other and further legal and equitable relief as the Court deems just and proper.

**COUNT IV**  
**Violation under MO. REV. STAT. §§ 213.010 *et seq.***  
**Race Discrimination (Failure to Promote)**

88. Plaintiff re-alleges and incorporates herein by reference, as though fully set forth herein, all of the above numbered paragraphs.

89. Plaintiff is African American and therefore a member of a protected class.

90. Plaintiff was qualified for management and supervisory positions for which she applied.

91. Defendant chose not to promote Plaintiff.

92. Instead, Defendant promoted less qualified Caucasian individuals.

93. Plaintiff's race was at least a motivating factor in Defendant's decisions not to promote her.
94. At all times mentioned herein, before and after, the above-described perpetrators were agents, servants, and employees of Defendant, and were at all such times acting within the scope and course of their agency and employment, and/or their actions were expressly authorized or ratified by Defendant, thus making Defendant liable for said actions under the doctrine of *respondeat superior*.
95. Defendant failed to make good faith efforts to establish and enforce policies to prevent illegal discrimination against its employees.
96. Defendant failed to properly train or otherwise inform their supervisors and employees concerning their duties and obligations under the civil rights laws, including the MHRA.
97. As shown by the foregoing, as a result of her race, Plaintiff suffered intentional discrimination by Defendant in violation of the MHRA.
98. As a direct and proximate result of Defendant's actions and/or omissions, Plaintiff has been deprived of income, as well as other monetary and non-monetary benefits.
99. As a further direct and proximate result of Defendant's actions and/or omissions, Plaintiff has suffered a loss of self-esteem, humiliation, mental anguish, and pain, in the form of garden variety emotional distress and related compensatory damages.
100. Defendant's conduct was willful, wanton, malicious, and showed complete indifference to or conscious disregard for the rights of others.
101. Plaintiff expressly reserves her right to make a claim for punitive damages pursuant to the MHRA and MO. REV. STAT. § 510.261.5.

102. Pursuant to the provisions of the MHRA, Plaintiff is entitled to recover reasonable attorneys' fees from Defendant.

WHEREFORE, Plaintiff requests that the Court enter judgment in her favor and against Defendant for economic damages, including but not limited to back-pay and lost benefits; for compensatory damages, including but not limited to garden variety emotional distress; for equitable relief, including but not limited to front-pay and injunctive relief; for reasonable attorneys' fees and costs incurred herein; for pre- and post-judgment interest as allowed by law; and for such other and further legal and equitable relief as the Court deems just and proper.

**COUNT V**  
**Violation under MO. REV. STAT. §§ 213.010 *et seq.***  
**Retaliation**

103. Plaintiff re-alleges and incorporates herein by reference, as though fully set forth herein, all of the above numbered paragraphs.

104. Plaintiff engaged in a protected activity pursuant to the MHRA by reporting her concerns of race and age discrimination to her managers.

105. Plaintiff's exercise of her statutory rights was casually connected to her termination.

106. Plaintiff's exercise of her statutory rights was casually connected to her verbal warning and written reprimand.

107. At all times mentioned herein, before and after, the above described perpetrators were agents, servants, and employees of Defendant, and were at all such times acting within the scope and course of their agency and employment, and/or their actions were expressly authorized or ratified by Defendant, thus making Defendant liable for said actions under the doctrine of *respondeat superior*.

108. Defendant failed to make good faith efforts to establish and enforce policies to prevent illegal discrimination against its employees.
109. Defendant failed to properly train or otherwise inform their supervisors and employees concerning their duties and obligations under the civil rights laws, including the MHRA.
110. As shown by the foregoing, as a result of her protected conduct, Plaintiff suffered intentional retaliation by Defendant in violation of the MHRA.
111. As a direct and proximate result of Defendant's actions and/or omissions, Plaintiff has been deprived of income as well as other monetary and non-monetary benefits.
112. As a further direct and proximate result of Defendant's actions and/or omissions, Plaintiff has suffered a loss of self-esteem, humiliation, mental anguish, and pain, in the form of garden variety emotional distress and related compensatory damages.
113. Defendant's conduct was willful, wanton, malicious, and showed complete indifference to or conscious disregard for the rights of others, including the rights of Plaintiff.
114. Plaintiff expressly reserves her right to make a claim for punitive damages pursuant to the MHRA and MO. REV. STAT. § 510.261.5.
115. Pursuant to the provisions of the MHRA, Plaintiff is entitled to recover reasonable attorneys' fees from Defendant.

WHEREFORE, Plaintiff requests that the Court enter judgment in her favor and against Defendant for economic damages, including but not limited to back-pay and lost benefits; for compensatory damages, including but not limited to garden variety emotional distress; for equitable relief, including but not limited to front-pay and injunctive relief; for reasonable



attorneys' fees and costs incurred herein; for pre- and post-judgment interest as allowed by law; and for such other and further legal and equitable relief as the Court deems just and proper.

**COUNT VI**  
**Violation under 42 U.S.C. § 1981**  
**Race Discrimination**

116. Plaintiff re-alleges and incorporates herein by reference, as though fully set forth herein, all of the above numbered paragraphs.
117. Plaintiff is African American and therefore a member of a protected class.
118. Defendant terminated Plaintiff's employment.
119. Defendant failed to promote Plaintiff.
120. Plaintiff's membership in a protected class was at least a motivating factor in Defendant's decision to terminate Plaintiff's employment.
121. Plaintiff's membership in a protected class was at least a motivating factor in Defendant's decision not to promote Plaintiff.
122. Plaintiff's membership in a protected class was at least a motivating factor in Defendant's decision to issue verbal warnings and written reprimands to Plaintiff.
123. At all times mentioned herein, before and after, the above-described perpetrators were agents, servants, and employees of Defendant, and were at all such times acting within the scope and course of their agency and employment, and/or their actions were expressly authorized by Defendant, thus making Defendant liable for said actions under the doctrine of *respondeat superior*.
124. Defendant failed to make good faith efforts to establish and enforce policies to prevent illegal discrimination against its employees.

125. Defendant failed to properly train or otherwise inform their supervisors and employees concerning their duties and obligations under the civil rights laws, including § 1981.

126. Plaintiff suffered intentional discrimination at the hands of Defendant based on her race in violation of § 1981.

127. As a direct and proximate result of Defendant's actions and/or omissions, Plaintiff has been deprived of income as well as other monetary and non-monetary benefits.

128. As a further direct and proximate result of Defendant's actions and/or omissions, Plaintiff has suffered humiliation, mental anguish, pain, and a loss of self-esteem in the form of garden variety emotional distress and related compensatory damages.

129. By failing to take prompt and effective remedial action, Defendant in effect condoned, ratified, and/or authorized the discrimination against Plaintiff.

130. Defendant's conduct was willful, wanton, and malicious, and showed complete indifference to or conscious disregard for the rights of others, including the rights of Plaintiff, thus justifying an award of punitive damages in an amount sufficient to punish Defendant or to deter it and other companies from like conduct in the future.

131. Plaintiff is entitled to recover reasonable attorneys' fees from Defendant as provided in 42 U.S.C. § 1988.

WHEREFORE, Plaintiff requests that the Court enter judgement in her favor and against Defendant for economic damages, including but not limited to back-pay and lost benefits; for compensatory damages, including but not limited to garden variety emotional distress; for equitable relief, including but not limited to front-pay and injunctive relief; for punitive damages; for reasonable attorneys' fees and costs incurred herein; for pre- and post-judgement interest as

allowed by law; and for such other and further legal and equitable relief as the Court deems just and proper.

**COUNT VII**  
**Violation under 42 U.S.C. § 1981**  
**Retaliation**

132. Plaintiff re-alleges and incorporates herein by reference, as though fully set forth herein, all of the above numbered paragraphs.
133. By reporting her concerns of race discrimination in the workplace, Plaintiff engaged in a protected activity.
134. Defendant disciplined Plaintiff.
135. Defendant terminated Plaintiff's employment.
136. Plaintiff's exercise of statutory rights was at least a motivating factor in Defendant's decision to terminate, to not promote, and to discipline Plaintiff.
137. At all times mentioned herein, before and after, the above-described perpetrators were agents, servants, and employees of Defendant, and were at all such times acting within the scope and course of their agency and employment, and/or their actions were expressly authorized by Defendant, thus making Defendant liable for said actions under the doctrine of *respondeat superior*.
138. Defendant failed to make good faith efforts to establish and enforce policies to prevent illegal retaliation against its employees.
139. Defendant failed to properly train or otherwise inform their supervisors and employees concerning their duties and obligations under the civil rights laws, including § 1981.

140. As shown by the foregoing, as a result of Plaintiff's complaints, Plaintiff suffered intentional retaliation at the hands of Defendant based on her protected activity in violation of § 1981.

141. As a direct and proximate result of Defendant's actions and/or omissions, Plaintiff has been deprived of income as well as other monetary and non-monetary benefits.

142. As a further direct and proximate result of Defendant's actions and/or omissions, Plaintiff has suffered humiliation, mental anguish, pain, and a loss of self-esteem in the form of garden variety emotional distress and relate compensatory damages.

143. By failing to take prompt and effective remedial action, Defendant in effect condoned, ratified, and/or authorized retaliation against Plaintiff.

144. Defendant's conduct was willful, wanton, and malicious, and showed complete indifference to or conscious disregard for the rights of others, including the rights of Plaintiff, thus justifying an award of punitive damages in an amount sufficient to punish Defendant or to deter it and other companies from like conduct in the future.

145. Plaintiff is entitled to recover reasonable attorneys' fees from Defendant as provided in 42 U.S.C. § 1988.

WHEREFORE, Plaintiff requests that the Court enter judgement in her favor and against Defendant for economic damages, including but not limited to back-pay and lost benefits; for compensatory damages, including but not limited to garden variety emotional distress; for equitable relief, including but not limited to front-pay and injunctive relief; for punitive damages; for reasonable attorneys' fees and costs incurred herein; for pre- and post-judgement interest as allowed by law; and for such other and further legal and equitable relief as the Court deems just and proper.

**Demand for Jury Trial**

Plaintiff requests a trial by jury, in the Circuit Court of Jackson County, Missouri on all counts and allegations of wrongful conduct alleged in this Petition.

Respectfully Submitted,

CORNERSTONE LAW FIRM

By: /s/ Marc N. Middleton  
Marc N. Middleton Mo. Bar #60002  
[m.middleton@cornerstonefirm.com](mailto:m.middleton@cornerstonefirm.com)  
Megan Lowe Stiles Mo. Bar #69202  
[m.stiles@cornerstonefirm.com](mailto:m.stiles@cornerstonefirm.com)  
5821 NW 72<sup>nd</sup> Street  
Kansas City, Missouri 64151  
Telephone (816) 581-4040  
Facsimile (816) 741-8889  
ATTORNEY FOR PLAINTIFF

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: _____ Agency(ies) Charge No(s): _____ <input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
<b>Missouri Commission on Human Rights</b> and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Jan Oates		Home Phone (Incl. Area Code) (816) 581-4040	Date of Birth -----
Street Address 5821 NW 72nd Street City, State and ZIP Code Kansas City, Missouri 64151			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Empower Retirement, LLC		No Employees Members 700+	Phone No. (Include Area Code) N/A
Street Address 11500 Outlook Street City, State and ZIP Code Overland Park, Kansas 66211			
Name  		No Employees Members  	Phone No. (Include Area Code)  
Street Address  City, State and ZIP Code  			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) _____			DATE(S) DISCRIMINATION TOOK PLACE Earliest                      Latest 2007 - Present <input checked="" type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s))  See Attached Statement of Particulars			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
11/19/2021 Date	JanVOates JanVOates (Nov 19, 2021 09:58 CST) Charging Party Signature		

Attachment to EEOC Form 5 – Jan Oates

I, Jan Oates, bring this Charge of Discrimination against Respondent – Empower Retirement, LLC. Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000 *et seq.* (“Title VII”), 42 U.S.C. §§ 1981 *et seq.* (“1981”), 29 U.S.C. §§ 621 *et seq.* (“ADEA”), and the Missouri Human Rights Act, Mo. Rev. Stat. §§ 213.010 *et seq.* (“MHRA”). I am an employee of Respondent and a member of a protected class pursuant to Title VII, 1981, ADEA, the MHRA, and the anti-retaliation provisions thereof, because of my race (black) and age (61 years old). The specific facts that give rise to my claims are as follows:

I was hired to work for Respondent in approximately 2007 at Respondent’s office located at 11500 Outlook Street, Overland Park, Kansas 66211. In approximately late March 2020, I began working for Respondent from my home located in Kansas City, Missouri. Importantly, I continued to work for Respondent from my home through my termination.

In approximately July 2020, Manager Brandi Zien (“Manager Zien”) (white) was checking in on everyone and asking how they were doing. Manager Zien called me for a one-on-one and asked how I was handling the pandemic. I told Manager Zien, “It’s a scary thing to walk around with masks on and making sure you’re sanitizing.” Manager Zien then said, “Well, what about with everything else going on?” I asked Manager Zien if she meant with the racial tension going on surrounding George Floyd. She responded, “Yeah, how do you feel about that?” I responded, “I’m numb, you keep waking up and seeing another black man that was killed, but this one was different because we all witnessed him take his last breath. I worry about my son, husband, and grandson, and I’m always asking them what time they’re going to leave, where they’re going, if an officer pulls you over just follow what they say.” Manager Zien stated that she can imagine it’s been rough, and asked if there was anything else going on. I responded, “Well, it’s amazing how

all of a sudden all these companies want to talk about diversity. We are not diverse at all, I've been with this company thirteen (13) years, and it's frustrating for me because when I look out there, I see no one like me who works in management." Manager Zien responded that there would be some changes. I then stated, "You can't tell me that with all the black people that walk through here, no one is management material."

Shortly thereafter, Manager Zien reported our conversation to upper management, Director Angelo ("Archie") Leonardis ("Director Leonardis") (white), who sent me an e-mail stating he would like to talk to me. I agreed, and Director Leonardis set up a meeting with me. Interestingly, I had never met with Director Leonardis before. Director Leonardis assured me they were taking my complaint seriously, they understood that no one who looks like me works in management, but they were going to correct it.

I then received a call from HR Representative Tomacita [Last Name Unknown] ("LNU") ("HR Tomacita"), saying it was brought to her attention that I had some questions about Respondent. I responded that I did not have any questions, I had just made a statement. HR Tomacita then asked if I wanted to file a complaint. I asked, "For what?" HR Tomacita responded, "Well your manager wanted to know if you wanted to file a complaint because you said you saw no blacks in management." I responded that yes, I did say that, it's very clear that each time I've applied for a promotion, someone with less time and experience was promoted over me, and that doesn't seem right. I further stated that I've been overlooked at least four (4) or five (5) times and, other people are getting more opportunities than me. Notably, everyone promoted over me has been white, and in their twenties (20s) or early thirties (30s).

Ever since these conversations, Respondent began treating me differently. For example, Manager Zien told me that when I talk I sound mad or defensive, I should not be so direct, and I



need to sound more fluffy. When I went around and asked team members if I had offended them, they all said no. Manager Zien then started claiming I was making lots of performance errors. Further, Manager Zien began getting mad at me for working overtime and acting like I was stealing money from Respondent, even though other employees worked overtime too, and Respondent had no problem with me working overtime previously. Notably, Vice President Craig Jeffries (“VP Jeffries”) has said in meetings that he does not care if people need to work overtime as long as the work gets done.

In approximately December 2020, my doctor told me I needed to take time off because my blood pressure was high, I was not sleeping, and my bloodwork showed that my sugar and thyroid numbers were off the chart. My doctor gave me a note stating that I needed to take off work from on or about December 17, 2020, through on or about January 3, 2021. When I told Manager Zien this, she had an attitude and said, “Well you gotta do what you gotta do.” I offered to scan and send the note to Manager Zien, but she said no.

On or about January 4, 2021, the day I returned to work, Manager Zien gave me a verbal warning for an alleged error I made prior to beginning my leave. When I asked for documentation showing the alleged error, Manager Zien responded that she did not have it because the error was already fixed. Manager Zien then said I made six (6) errors the previous year and that was not like me, I had gone from zero (0) errors to six (6) errors. In approximately February 2021, I received another verbal warning from Manager Zien for an alleged performance error.

In approximately June 2021, I was written up by Manager Zien for another alleged performance error. When I met with Manager Zien and Manager Jessica Sides (“Manager Sides”) (white) to discuss the write-up, Manager Sides stated she wanted the old Jan back, and they were not seeing me at my capacity. I responded, “I can only do what you guys tell me to do, when I go

left you tell me to go right, when I go right you tell me to go left, and I don't trust [Manager Zien] anymore."

On or about July 22, 2021, Manager Zien called me and stated that I no longer fit the team. When I asked, "What do you mean?", Manager Zien responded that I was not working to capacity and so they were going to have to let me go. Interestingly, when I filed for unemployment, Respondent told the unemployment investigator that I had quit my job to take a position with another company.

In sum, I am a member of a protected class under Title VII, 1981, the ADEA, the MHRA, and the anti-retaliation provisions thereof. As a result of Respondent's actions, I am seeking back-pay, front-pay, emotional distress damages, punitive damages, attorneys' fees, and any other remedy the Commission deems appropriate.



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS **2216-CV24575**  
**MISSOURI COMMISSION ON HUMAN RIGHTS**

MICHAEL L. PARSON  
GOVERNOR

ANNA S. HUI  
DEPARTMENT DIRECTOR

TIMOTHY FABER, DMIN.  
COMMISSION CHAIR

ALISA WARREN, PH.D.  
EXECUTIVE DIRECTOR

July 21, 2022

Jan Oates  
5821 N.W. 72nd Street  
Kansas City, MO 64151  
*Via Complainant Attorney Email*

**NOTICE OF RIGHT TO SUE**

RE: Oates vs. Empower Retirement, LLC  
FE-12/21-33931 563-2022-00770

The Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue under the Missouri Human Rights Act because you have requested a notice of your right to sue.

This letter indicates your right to bring a civil action within 90 days of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your complaint in state circuit court. **THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.**

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period for any federal claims. This notice of right to sue is being issued as required by Section 213.111.1, RSMo, because it has been over 180 days after the filing of this complaint and MCHR has not completed its administrative processing.

(continued on next page)



JEFFERSON CITY OFFICE  
421 E. DUNKLIN ST.  
P.O. Box 1129  
JEFFERSON CITY, MO 65102-1129  
PHONE: 573-751-3325  
FAX: 573-751-2905



ST. LOUIS OFFICE  
111 N. 7TH STREET, SUITE 903  
ST. LOUIS, MO 63101-2100  
PHONE: 314-340-7590  
FAX: 314-340-7238



KANSAS CITY OFFICE  
P.O. Box 1129  
JEFFERSON CITY, 65102-1129  
FAX: 816-889-3582



SIKESTON OFFICE  
106 ARTHUR STREET, SUITE D  
SIKESTON, MO 63801-5454  
FAX: 573-472-5321

Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities.

TDD/TTY: 1-800-735-2966 (TDD) Relay Missouri: 711

In addition to the process described above, if any party is aggrieved by this decision of the MCHR, that party may appeal the decision by filing a petition under § 536.150 of the Revised Statutes of Missouri. Any such petition must be filed in the Circuit Court of Cole County.

Respectfully,



Alisa Warren, Ph.D.  
Executive Director

Empower Retirement, LLC  
Human Resources Director  
11500 Outlook Street  
Overland Park, KS 66211

Megan Stiles  
Cornerstone Law Firm  
*Via Email*



JEFFERSON CITY OFFICE  
421 E. DUNKLIN ST.  
P.O. Box 1129  
JEFFERSON CITY, MO 65102-1129  
PHONE: 573-751-3325  
FAX: 573-751-2905



ST. LOUIS OFFICE  
111 N. 7TH STREET, SUITE 903  
ST. LOUIS, MO 63101-2100  
PHONE: 314-340-7590  
FAX: 314-340-7238



KANSAS CITY OFFICE  
P.O. Box 1129  
JEFFERSON CITY, 65102-1129  
FAX: 816-889-3582



SIKESTON OFFICE  
106 ARTHUR STREET, SUITE D  
SIKESTON, MO 63801-5454  
FAX: 573-472-5321

*Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities.*

TDD/TTY: 1-800-735-2966 (TDD) Relay Missouri: 711

**IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI****JAN OATES**

Plaintiff,

v.

**EMPOWER RETIREMENT, LLC**

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No.: \_\_\_\_\_

Division: \_\_\_\_\_

**ENTRY OF APPEARANCE AND DESIGNATION OF LEAD ATTORNEY**

COMES NOW, Jan Oates, by and through her counsel of record, Marc N. Middleton, and  
hereby states the following:

1. The Lead Attorney of Record in the aforementioned case is:

Marc N. Middleton            MO BAR #60002  
m.middleton@cornerstonefirm.com  
5821 NW 72nd Street  
Kansas City, Missouri 64151  
Telephone:                    (816) 581-4040  
Facsimile:                    (816) 741-8889

Respectfully Submitted,

CORNERSTONE LAW FIRM

By: /s/ Marc N. Middleton

Marc N. Middleton    Mo. Bar #60002  
m.middleton@cornerstonefirm.com  
Megan Lowe Stiles    Mo. Bar #69202  
m.stiles@cornerstonefirm.com  
5821 NW 72<sup>nd</sup> Street  
Kansas City, Missouri 64151  
Telephone                    (816) 581-4040  
Facsimile                    (816) 741-8889

**ATTORNEYS FOR PLAINTIFF**

**IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI**

**JAN OATES**

Plaintiff,

V.

**EMPOWER RETIREMENT, LLC**

Defendant.

Case No.:

Division:

**MOTION FOR APPROVAL AND APPOINTMENT OF PRIVATE PROCESS SERVER**

COMES NOW Plaintiff, Jan Oates, by and through her attorney of record, and for her Motion for Approval/Appointment of Private Process Server, and requests that D&B Legal Services, Inc.: Legal Names (s):

Alisha Allen PPS22-0001  
Sallie Bailey PPS22-0003  
Carl Barnett PPS22-0254  
Thomas Bogue PPS22-0118  
Matthew Bohrer PPS22-0258  
Arthur Boyer PPS22-0006  
Scott Brady PPS22-0008  
Nicholas Bull PPS22-0011  
Gary Burt PPS22-0012  
Bobby Calvert PPS22-0124  
Carolyn Champlin PPS22-0013  
Michael Conklin PPS22-0267  
Lisa Corbett PPS22-0269  
Norman Diggs PPS22-0274  
Edwina Ditmore PPS22-0275  
Andrew Downs PPS22-0016  
Chris Drummond PPS22-0017  
William Ferrell PPS22-0022  
Robert Finley PPS22-0023  
Dana Fortner PPS22-0286  
John Frago PPS22-0026  
Brad Gordon PPS22-0144  
Tom Gorgone PPS22-0145  
Charles Gunning PPS22-0028  
James Hannah PPS22-0030  
Rufus Harmon PPS22-0031  
Zackery Hayes PPS22-0033  
Stephen Heitz PPS22-0035  
Bridgette Hight PPS22-0293  
Wendy Hilgenberg PPS22-0037

James Hise PPS22-0294  
Tawanda Johnson PPS22-0166  
Patrick Jones PPS22-0167  
Chelsea Ketron PPS22-0044  
Leisa Ketron PPS22-0045  
Brent Kirkhart PPS22-0046  
Janice Kirkhart PPS22-0047  
Tyler Kirkhart PPS22-0048  
Cody Kyser PPS22-0049  
Raymond Land PPS22-0303  
Frank Lundien PPS22-0055  
Chad Maier PPS22-0312  
Lyle Malcom PPS220-0313  
Kenneth Marshall PPS22-0057  
Michael Meador PPS22-0060  
Maria Meier PPS22-0315  
Heather Merfen PPS22-0061  
Ashlyn Miller PPS22-0560  
Matthew Millhollin PPS22-0062  
Jason Moody PPS22-0065  
Frederick Morbid PPS22-0576  
Jeremy Nicholas PPS22-0194  
Michael Noble PPS22-0196  
Greg Noll PPS22-0068  
Tory Owens PPS22-0071  
Bob Peters PPS22-0327  
Carrie Pfeifer PPS22-0203  
Craig Poese PPS22-0073  
Anthony Powell PPS22-0329  
Dee Powell PPS22-0075

Samantha Powell PPS22-0076  
William Powell PPS22-0077  
Kim Presler PPS22-0078  
Mark Rauss PPS22-0082  
Jorge A Rivera PPS22-0214  
Jason Rodgers PPS22-0088  
Richard Roth PPS22-0091  
Kathy Rulo PPS22-0338  
Edna Russell PPS22-0093  
Brenda Schiwitz PPS22-0094  
Dylan Schneider PPS22-0340  
Mark Schneider PPS22-0341  
Westley Seifert PPS22-0220  
Thomas Skinner PPS22-0224  
Richard Skyles PPS22-0095  
Anthony Spada PPS22-0228  
Randy Stone PPS22-0229  
Carrie Stroup PPS22-0350  
Daniel Swinney PPS22-0578  
Robert Torrey PPS22-0355  
Lucas Traugott PPS22-0356  
Daniel Wagner PPS22-0099  
Kenneth Wallace PPS22-0100  
Ryan Weekley PPS22-0101  
Andrew Wheeler PPS22-0103  
Andrew Wickliffe PPS22-0104  
Gregory Willing PPS22-0105  
Conni Wilson PPS22-0107  
Allen Yoder PPS22-0366

Rod Yoder PPS22-0367  
Stan Yoder PPS22-0368  
Greg Zotta PPS22-0110

who are qualified persons to serve process, are not parties to the case and are not less than eighteen (18) years of age, as private process servers in the above cause to serve process in this case.

Respectfully Submitted,

CORNERSTONE LAW FIRM

By: /s/ Marc N. Middleton  
Marc N. Middleton Mo. Bar #60002  
m.middleton@cornerstonefirm.com  
Megan Lowe Stiles Mo. Bar #69202  
m.stiles@cornerstonefirm.com  
5821 NW 72nd Street  
Kansas City, Missouri 64151  
Telephone (816) 581-4040  
Facsimile (816) 741-8889

**ATTORNEYS FOR PLAINTIFF**

*(Order on subsequent page)*

**ORDER**

It is hereby ordered that the Plaintiff's Motion for Approval and Appointment of private process server is granted, and the above-named individuals are hereby approved and appointed to serve process in the above-captioned matter.

Date: \_\_\_\_\_  
\_\_\_\_\_  
Judge or Clerk



**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

**JAN OATES,**

**PLAINTIFF(S),**

**CASE NO. 2216-CV24575**

**VS.**

**DIVISION 3**

**EMPOWER RETIREMENT, LLC,**

**DEFENDANT(S).**

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE  
AND ORDER FOR MEDIATION**

---

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **JERRI J ZHANG** on **09-FEB-2023** in **DIVISION 3** at **01:30 PM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16<sup>th</sup> Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16<sup>th</sup> Judicial Circuit web site at [www.16thcircuit.org](http://www.16thcircuit.org) after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

### **MEDIATION**

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

### **POLICIES/PROCEDURES**

Please refer to the Court's web page [www.16thcircuit.org](http://www.16thcircuit.org) for division policies and procedural information listed by each judge.

**/S/ JERRI J ZHANG**

**JERRI J ZHANG, Circuit Judge**

### **Certificate of Service**

This is to certify that a copy of the foregoing was mailed postage pre-paid or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

#### **Attorney for Plaintiff(s):**

MARC NELSON MIDDLETON, 5821 NW 72ND STREET, KANSAS CITY, MO 64151

#### **Defendant(s):**

EMPOWER RETIREMENT, LLC

Dated: 27-OCT-2022

MARY A. MARQUEZ  
Court Administrator



Rod Yoder PPS22-0367  
Stan Yoder PPS22-0368  
Greg Zotta PPS22-0110

who are qualified persons to serve process, are not parties to the case and are not less than eighteen (18) years of age, as private process servers in the above cause to serve process in this case.

Respectfully Submitted,

CORNERSTONE LAW FIRM

By: /s/ Marc N. Middleton  
Marc N. Middleton Mo. Bar #60002  
m.middleton@cornerstonefirm.com  
Megan Lowe Stiles Mo. Bar #69202  
m.stiles@cornerstonefirm.com  
5821 NW 72nd Street  
Kansas City, Missouri 64151  
Telephone (816) 581-4040  
Facsimile (816) 741-8889

**ATTORNEYS FOR PLAINTIFF**

*(Order on subsequent page)*

**ORDER**

It is hereby ordered that the Plaintiff's Motion for Approval and Appointment of private process server is granted, and the above-named individuals are hereby approved and appointed to serve process in the above-captioned matter.

10/27/2022 *Jennifer Brookshire*  
DEPUTY COURT ADMINISTRATOR



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI


Judge or Division: JERRI J ZHANG	Case Number: 2216-CV24575
Plaintiff/Petitioner: JAN OATES	Plaintiff's/Petitioner's Attorney/Address MARC NELSON MIDDLETON 5821 NW 72ND STREET KANSAS CITY, MO 64151
Defendant/Respondent: EMPOWER RETIREMENT, LLC	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Employmnt Discrmntn 213.111	

(Date File Stamp)

**Summons in Civil Case**

**The State of Missouri to: EMPOWER RETIREMENT, LLC**  
**Alias:**  
 120 SOUTH CENTRAL AVENUE  
 CLAYTON, MO 63105

**PRIVATE PROCESS SERVER**

**COURT SEAL OF**  
  
**JACKSON COUNTY**

**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

06-JAN-2023  
Date

Clerk

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

☐ delivering a copy of the summons and petition to the defendant/respondent.

☐ leaving a copy of the summons and petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_ a person at least 18 years of age residing therein.

☐ (for service on a corporation) delivering a copy of the summons and petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
 Printed Name of Sheriff or Server

\_\_\_\_\_  
 Signature of Sheriff or Server

(Seal) **Must be sworn before a notary public if not served by an authorized officer:**  
 Subscribed and sworn to before me on \_\_\_\_\_ (date).  
 My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

**Sheriff's Fees**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ 10.00

Supplemental Surcharge \$ \_\_\_\_\_

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

**JAN OATES**

Plaintiff,

v.

**EMPOWER RETIREMENT, LLC**

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No.: 2216-CV24575

Division: 3

**ENTRY OF APPEARANCE**

COMES NOW, Megan L. Stiles, of Cornerstone Law Firm, and hereby enters her appearance as additional counsel for Plaintiff Jan Oates.

Respectfully Submitted,

CORNERSTONE LAW FIRM

By: /s/ Megan L. Stiles  
Marc N. Middleton Mo. Bar #60002  
m.middleton@cornerstonefirm.com  
Megan Lowe Stiles Mo. Bar #69202  
m.stiles@cornerstonefirm.com  
5821 NW 72<sup>nd</sup> Street  
Kansas City, Missouri 64151  
Telephone (816) 581-4040  
Facsimile (816) 741-8889

**ATTORNEYS FOR PLAINTIFF**



IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

☒ AT KANSAS CITY

☐ AT INDEPENDENCE

JAN OATES

NO 2216-CV24575

VS.

☒ CIRCUIT JUDGE

☐ ASSOCIATE CIRCUIT JUDGE

☐ SMALL CLAIMS

EMPOWER RETIREMENT, LLC

**MEMORANDUM TO DEPARTMENT OF CIVIL RECORDS**  
**INSTRUCTIONS FOR ALIAS SUMMONS**

☒ PRIVATE PROCESS

☐ CIVIL PROCESS

☒ ISSUE ALIAS SUMMONS TO DEFENDANT

EMPOWER RETIREMENT, LLC

120 SOUTH CENTRAL AVE.

CLAYTON, MO 63105

ST. LOUIS COUNTY

COUNTY OF SERVICE

CASE CONTINUED TO:

☐ PREPARE TRANSCRIPT OF JUDGMENT

☐ AUTHENTICATED ☐ CERTIFIED ☐ RECORD AS LIEN  
☐ W/LETTER

**REQUESTED BY**

MEGAN LOWE STILES 69202  
NAME OF ☐ CREDITOR ☐ ATTORNEY & BAR NO.

5821 NW 72ND STREET  
ADDRESS

KANSAS CITY MO 64151  
CITY STATE ZIP

/S/ MEGAN LOWE STILES

SIGNATURE

816-581-4040

PHONE

12/22/22

DATE

**Please Provide Original & Copy**

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

**JAN OATES**

Plaintiff,

v.

**EMPOWER RETIREMENT, LLC**

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No.: 2216-cv24575

Division: 3

**ENTRY OF APPEARANCE AND DESIGNATION OF LEAD ATTORNEY**

COMES NOW, Jan Oates, by and through her counsel of record, Marc N. Middleton, and  
hereby states the following:

1. The Lead Attorney of Record in the aforementioned case is:

Marc N. Middleton            MO BAR #60002  
m.middleton@cornerstonefirm.com  
5821 NW 72nd Street  
Kansas City, Missouri 64151  
Telephone:                    (816) 581-4040  
Facsimile:                    (816) 741-8889

Respectfully Submitted,

CORNERSTONE LAW FIRM

By: /s/ Marc N. Middleton  
Marc N. Middleton    Mo. Bar #60002  
m.middleton@cornerstonefirm.com  
Megan Lowe Stiles    Mo. Bar #69202  
m.stiles@cornerstonefirm.com  
5821 NW 72<sup>nd</sup> Street  
Kansas City, Missouri 64151  
Telephone                    (816) 581-4040  
Facsimile                    (816) 741-8889

**ATTORNEYS FOR PLAINTIFF**




IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JERRI J ZHANG	Case Number: 2216-CV24575
Plaintiff/Petitioner: JAN OATES	Plaintiff's/Petitioner's Attorney/Address MARC NELSON MIDDLETON 5821 NW 72ND STREET KANSAS CITY, MO 64151
Defendant/Respondent: EMPOWER RETIREMENT, LLC	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Employmnt Discrmntn 213.111	

(Date File Stamp)

**Summons in Civil Case**

<p><b>The State of Missouri to:</b> EMPOWER RETIREMENT, LLC</p> <p>Alias:</p> <p>120 SOUTH CENTRAL AVENUE CLAYTON, MO 63105</p>	<p><b>PRIVATE PROCESS SERVER</b></p>
<p><b>COURT SEAL OF</b></p>  <p><b>JACKSON COUNTY</b></p>	<p><b>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</b></p> <p style="text-align: center;">27-OCT-2022 Date</p> <p style="text-align: center;">Further Information:</p>

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

☐ delivering a copy of the summons and petition to the defendant/respondent.

☐ leaving a copy of the summons and petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_ a person at least 18 years of age residing therein.

☐ (for service on a corporation) delivering a copy of the summons and petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
(Seal) Printed Name of Sheriff or Server

\_\_\_\_\_  
Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

<b>Sheriff's Fees</b>	
Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ ( _____ miles @ \$. _____ per mile)
<b>Total</b>	\$ _____

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY

JAN OATES, )  
Plaintiff, )  
 ) Case No. 2216-CV24575  
vs. ) Division 3  
 )  
EMPOWER RETIREMENT, LLC, )  
Defendant. )

**AMENDED ORDER FOR CASE MANAGEMENT CONFERENCE**

NOW on this day, the Court sets the above matter for case management conference on  
**February 9, 2023 at 1:30 PM** via telephone. Please call the toll-free number 1-877-873-8017  
and enter the access code 9926835.

**IT IS SO ORDERED.**

23-Jan-2023  
\_\_\_\_\_  
Date

*J. Zhang*  
\_\_\_\_\_  
HON. JERRI J. ZHANG  
Judge, Division 3

CC: All counsel via e-Notification

**AFFIDAVIT OF SERVICE**

State of Missouri

County of Jackson

Circuit Court

Case Number: 2216-CV24575

Plaintiff:

**JANE OATES**

vs.

Defendant:

**EMPOWER RETIREMENT LLC**

For: CORNERSTONE LAW FIRM



POW2023000283

Received by D & B Legal Services, Inc. on the 10th day of January, 2023 at 2:16 pm to be served on **EMPOWER RETIREMENT LLC C/O REGISTERED AGENT: C T CORPORATION SYSTEM, 120 SOUTH CENTRAL AVENUE, CLAYTON, MO 63105**, MAK being duly sworn, depose and say that on the 12 day of JAN, 2023 at 4:30 m., executed service by delivering a true copy of the **Summons in Civil Case, Petition For Damages, Charge of Discrimination, Notice Of Right To Sue** in accordance with state statutes in the manner marked below:

☒ CORPORATE SERVICE: By serving JOANNA CHAPMAN as INTAKE SPECIALIST

☐ CORPORATE SERVICE AT ALTERNATE ADDRESS: By serving \_\_\_\_\_ as \_\_\_\_\_ at the alternate address of \_\_\_\_\_

☐ PUBLIC AGENCY: By serving \_\_\_\_\_ as \_\_\_\_\_ of the within-named agency.

☐ NON SERVICE: For the reason detailed in the Comments below.

COMMENTS: \_\_\_\_\_

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

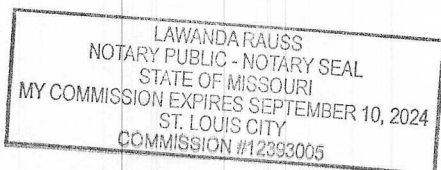
Subscribed and Sworn to before me on the 12 day of JAN, 2023 by the affiant who is personally known to me.

LAWANDA RAUSS  
NOTARY PUBLIC

[Signature]  
PROCESS SERVER # \_\_\_\_\_  
Appointed in accordance with State Statutes

**D & B Legal Services, Inc.**  
**P.O. Box 7471**  
**Overland Park, KS 66207**  
**(913) 362-8110**

Our Job Serial Number: 2023000283








IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JERRI J ZHANG	Case Number: 2216-CV24575
Plaintiff/Petitioner: JAN OATES	Plaintiff's/Petitioner's Attorney/Address MARC NELSON MIDDLETON 5821 NW 72ND STREET KANSAS CITY, MO 64151
Defendant/Respondent: EMPOWER RETIREMENT, LLC	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Employmnt Discrmtn 213.111	(Date File Stamp)

**Summons in Civil Case**

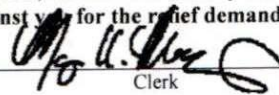
**The State of Missouri to:** EMPOWER RETIREMENT, LLC  
Alias:  
120 SOUTH CENTRAL AVENUE  
CLAYTON, MO 63105

**PRIVATE PROCESS SERVER**

**COURT SEAL OF**  
  
**JACKSON COUNTY**

**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

06-JAN-2023  
Date

  
Clerk

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.  
☐ leaving a copy of the summons and petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_ a person at least 18 years of age residing therein.  
☐ (for service on a corporation) delivering a copy of the summons and petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_ (address)

Served at \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).  
in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server  
(Seal)

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

**Sheriff's Fees**

Summons \$ \_\_\_\_\_  
Non Est \$ \_\_\_\_\_  
Sheriff's Deputy Salary \$ 10.00  
Supplemental Surcharge \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)  
Mileage \$ \_\_\_\_\_  
**Total** \$ \_\_\_\_\_

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.